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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,911	09/20/2003	Robert W. Cameron	P2118	7050
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TODD N. HATHAWAY 119 N. COMMERCIAL ST. #620 BELLINGHAM, WA 98225			EXAMINER FERGUSON, MICHAEL P	
			ART UNIT 3679	PAPER NUMBER
DATE MAILED: 07/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,911

Applicant(s)

CAMERON, ROBERT W.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velasquez et al. (US 5,490,309) in view of Nealy.

As to claim 1, Velasquez et al. disclose a connector assembly capable of use with a tarp, the connector assembly comprising:

male and female connector members **28,30**, each the connector member comprising:

a base portion having a broad, generally flat bearing face capable of engaging material of a tarp;

one of the connector members comprising:

a handle portion **32** (element **32** is capable of being gripped by one's hand, thus defining a handle) extending from the base portion opposite the bearing face for being gripped and rotated by the fingers of a hand and having an opening capable of attachment of a load **34** thereto;

the male connector **28** member further comprising:

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a notched screw portion **68** extending normal to the bearing face thereof; the screw portion having a tapered, sharply pointed tip **70** capable of piercing material of a tarp; and

the female connector **30** member further comprising:

a notched socket portion **76,78** extending normal to the bearing face thereof for receiving the screw portion of the male connector member in threaded engagement therewith, the socket portion being recessed into the bearing face of the female connector member so that the bearing faces of the male and female connector members are capable of meeting in substantially face-to-face contact when the connector members are tightened together (Figures 1 and 2).

Velasquez et al. disclose a connector assembly wherein the male connector member comprises a notched screw portion, and the female connector comprises a notched socket portion; instead the male connector member comprising a threaded screw portion, and the female connector comprising a threaded socket portion.

Nealy teaches a connector assembly comprising a male connector member comprising a threaded screw portion extending normal to a bearing face thereof; and a female connector member comprising a threaded socket portion extending normal to a bearing face thereof for receiving the screw portion of the male connector member in threaded engagement therewith (Figure 6). Inasmuch as the references disclose notched screw and socket portions, and threaded screw and socket portions as art recognized equivalents, it would have been obvious to one of ordinary skill in the

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exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claims 2, Velasquez et al. disclose a connector assembly wherein each of the bearing faces comprises a plurality of raised protuberances **54** capable of frictionally engaging material of a tarp so as to prevent accidental loosening of the connector members (Figure 2).

As to claim 3, Velasquez et al. disclose a connector assembly wherein the raised protuberances **54** have substantially rounded contours capable of avoiding damaging material of a tarp that is engaged thereby (Figure 1).

As to claim 4, Velasquez et al. fail to disclose a connector assembly wherein the raised protuberances comprise a plurality of elongate, substantially oval protuberances.

The applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a connector assembly as disclosed by Velasquez et al. to have elongate, substantially oval protuberances as such practice is a design consideration within the skill of the art.

As to claim 5, Velasquez et al. disclose a connector assembly wherein the base portions of the male **28** and female **30** connector members each comprise a raised, substantially flat-surfaced clamping ring formed annularly around the screw and socket portions, respectively, capable of clamping a tarp about an opening formed by the screw portions so as to prevent tears from propagating therefrom (Figure 1).

As to claim 6, Velasquez et al. disclose a connector assembly wherein the raised protuberances **54** are formed around outer perimeters of the clamping rings on the male and female connector members (Figure 1).

As to claim 7, Velasquez et al. disclose a connector assembly wherein each bearing face is substantially circular so as to evenly distribute loads into material of a tarp that is engaged thereby (Figure 1).

As to claim 8, Velasquez et al. disclose a connector assembly wherein each base portion comprises a radiused rim extending about a perimeter of the circular bearing face capable of progressively engaging material of a tarp so as to avoid damage thereto (Figure 1).

As to claim 9, Velasquez et al. disclose a connector assembly wherein each radiused rim comprises a rounded lip having smoothly contoured radius that extends away from a plane of the flat bearing face through an arc of about 90 degrees or greater (Figures 1 and 2).

As to claim 10, Velasquez et al. disclose a connector assembly wherein each handle portion **32** comprises a flange portion extending generally normal to the base portion capable of being gripped between a thumb and forefinger (Figure 1).

As to claim 11, Velasquez et al. fail to disclose a connector assembly wherein each flange portion comprises a generally semicircular flange having first and second sided that flare concavely towards the base portion of the connector member.

Nealy teaches a connector assembly wherein a flange portion comprises a generally semicircular flange having first and second sided that flare concavely towards

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a base portion of the connector member; the concavely flared sides providing for a more easily gripped and rotated handle portion (Figure 6). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connector assembly as disclosed by Velasquez et al. to have a handle portion having a flange portion having concavely flared sided as taught by Nealy in order provide for a more easily gripped and rotated handle portion.

As to claim 12, Velasquez et al. disclose a connector assembly wherein the opening capable of attachment of a load **34** comprises a bore formed in the flange portion **32** (Figure 2).

As to claim 13, Velasquez et al. disclose a connector assembly wherein the opening capable of attachment of a load **34** comprises a hook portion (curved cross-section portion defined by the bore in flange **32**) mounted on the flange portion (Figure 2).

As to claims 14, 16 and 17, Velasquez et al. disclose a connector assembly capable of use with a tarp, the connector assembly comprising:

male **28** and female **30** connector members, each connector member being unitarily molded and comprising:

a base portion comprising:

a broad, generally flat, substantially circular bearing face capable of engaging material of a tarp;

a plurality of raised, generally circular protuberances **54** formed on the bearing surface capable of frictionally engaging material of a tarp so as to prevent accidental

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loosening of the connector members, the protuberances further having substantially rounded contours capable of avoiding damaging material of a tarp that is engaged thereby; and

a smoothly radiused lip extending around a perimeter of the circular bearing face capable of progressively engaging material of a tarp so as to avoid damage thereto, the radiused lip extending away from a plane of the bearing surface through an arc of about 90 degrees or greater;

one of the connector members comprising:

a handle portion **32** (element **32** is capable of being gripped by one's hand, thus defining a handle) extending from the base portion opposite the bearing face, the handle portion comprising:

a flange portion **32** extending generally normal to the base portion; and

an opening capable of attachment of a load **34** to the flange portion;

the male connector member **28** comprising:

a notched screw portion **68** extending normal to the bearing face thereof, the screw portion having a tapered, sharply pointed tip **70** capable of piercing material of a tarp; and

the female connector member **30** comprising:

a notched socket portion extending normal to the bearing face thereof for receiving the screw portion of the male connector member in threaded engagement therewith, the socket portion being recessed into the bearing face of the female connector member so that the bearing faces of the male and female connector

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members are capable of meeting in substantially face-to-face contact when the connector members are tightened together (Figures 1 and 2).

Velasquez et al. disclose a connector assembly wherein the male connector member comprises a notched screw portion, and the female connector comprises a notched socket portion; instead the male connector member comprising a threaded screw portion, and the female connector comprising a threaded socket portion.

Nealy teaches a connector assembly comprising a male connector member comprising a threaded screw portion extending normal to a bearing face thereof; and a female connector member comprising a threaded socket portion extending normal to a bearing face thereof for receiving the screw portion of the male connector member in threaded engagement therewith; wherein the screw portion of the male connector member comprises a tapered thread capable of gradually spreading material of a tarp so as to minimize damage to the material as the material is penetrated by the screw portion; and wherein the screw portion of the male connector member is a two-stage screw comprising a tapered thread portion proximate the pointed tip; and a straight-sided thread portion proximate the base portion of the male connector member, the socket portion of the female connector member having a cooperating straight-sided thread portion formed therein (Figure 6). Inasmuch as the references disclose notched screw and socket portions, and threaded screw and socket portions as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

Velasquez et al. fail to disclose a connector assembly comprising a plurality of generally oval protuberances, the protuberances being arranged radially proximate a perimeter of the circular bearing face so that the long axes thereof are disposed generally perpendicular to a direction of rotation of the bearing face.

The applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connector assembly as disclosed by Velasquez et al. to have generally oval protuberances, the protuberances being arranged radially proximate a perimeter of the circular bearing face so that the long axes thereof are disposed generally perpendicular to a direction of rotation of the bearing face as such practice is a design consideration within the skill of the art.

Velasquez et al. fail to disclose a connector assembly comprising a handle portion comprising a flange portion having first and second concavely flared sides capable of being gripped between a thumb and forefinger, the sides spreading apart toward the base portion so as to form a thickened area of the flange portion where the flange portion is joined to the base portion.

Nealy teaches a connector assembly comprising a handle portion comprising a flange portion having first and second concavely flared sides capable of being gripped between a thumb and forefinger, the sides spreading apart toward the base portion so as to form a thickened area of the flange portion where the flange portion is joined to the base portion; the concavely flared sides providing for a more easily gripped and rotated

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handle portion (Figure 6). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connector assembly as disclosed by Velasquez et al. to have a handle portion having a flange portion having concavely flared sided as taught by Nealy in order provide for a more easily gripped and rotated handle portion.

As to claim 15, Velasquez et al. disclose a connector assembly wherein the radiused lip extends away from the plane of the bearing surface through an arc of about 180 degrees or greater (Figure 2).

As to claim 18, Velasquez et al. disclose a connector assembly wherein the base portions of the male **28** and female **30** connector members each comprise a raised, substantially flat-surfaced clamping ring formed annularly around the screw and socket portions, respectively, capable of clamping a tarp about an opening formed by the screw portions so as to prevent tears from propagating therefrom (Figures 1 and 2).

As to claim 19, Velasquez et al. disclose a connector assembly wherein the raised protuberances **54** are formed along outer perimeters of the clamping rings on the male and female connector members **28,30** (Figure 1).

As to claim 20, Velasquez et al. discloses a connector assembly wherein each opening capable of attachment of a load **34** comprises a bore formed through the flange portion **32** (Figure 1).

As to claim 21, Velasquez et al. disclose a connector assembly wherein each opening capable of attachment of a load **34** comprises a hook portion (curved cross-

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section portion defined by the bore in flange **32**) mounted on the flange portion **32** (Figure 2).

As to claim 22, Velasquez et al. fail to disclose a connector assembly wherein the male and female connector members are each formed unitarily of plastic.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the connector assembly as disclosed by Velasquez et al. wherein the male and female connector members are each formed unitarily of plastic as such material is a well-known, widely used and commercially available material within the art.

Applicant is reminded that **process limitations are given little patentable weight in product claims**. The patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 23, Velasquez et al. disclose a connector assembly capable of use with a tarp, the connector assembly comprising:

male and female connector members **28,30**, each connector member comprising:

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a base portion having a broad, generally flat bearing face capable of engaging material of a tarp; and

a flange portion **32** that extends from the base portion opposite and generally normal to the bearing face capable of being gripped between and rotated by the fingers of a hand, the flange portion having an opening for attachment of a load thereto;

the male connector member further comprising:

a notched screw portion **68** extending normal to the bearing face thereof, the screw portion having a tapered, sharply pointed tip **70** capable of piercing material of a tarp; and

the female connector member further comprising:

a notched socket portion **76,78** extending normal to the bearing face thereof for receiving the screw portion of the male connector member in threaded engagement therewith, the socket portion being recessed into the bearing face of the female connector member so that the bearing faces of the male and female connector members are capable of meeting in substantially face-to-face contact when the connector members are tightened together (Figures 1 and 2).

Velasquez et al. disclose a connector assembly wherein the male connector member comprises a notched screw portion, and the female connector comprises a notched socket portion; instead the male connector member comprising a threaded screw portion, and the female connector comprising a threaded socket portion.

Nealy teaches a connector assembly comprising a male connector member comprising a threaded screw portion extending normal to a bearing face thereof; and a

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female connector member comprising a threaded socket portion extending normal to a bearing face thereof for receiving the screw portion of the male connector member in threaded engagement therewith (Figure 6). Inasmuch as the references disclose notched screw and socket portions, and threaded screw and socket portions as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

Allowable Subject Matter

3. Claims 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 24, Velasquez et al. disclose the claimed connector with the exception of wherein the opening for attachment of a load comprises a bore formed through the flange portion around an axis that extends generally perpendicular to an axis of the screw and socket portions.

As to claim 25, Velasquez discloses the claimed connector with the exception of wherein the opening for attachment of a load comprises a hook portion formed on the flange portion and having a hook opening formed around an axis that extends generally perpendicular to an axis of the screw and socket portions.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify a connector as disclosed by Velasquez to have the above mentioned elemental features.

Response to Arguments

5. Applicant's arguments filed April 19, 2006 have been fully considered but they are not persuasive.

As to claims 1,14 and 23, Attorney argues that:

Velasquez et al. disclose a connector assembly wherein each of the connector members comprise *a handle portion for being gripped and rotated by the fingers of a hand*; and wherein *the socket portion of the female connector is recessed into the bearing face of the female connector member so that the bearing faces of the male and female connector members are capable of meeting in substantially face-to-face contact when the connector members are tightened together*.

Examiner disagrees. As to claims 1,14 and 23, Velasquez et al. disclose a connector assembly wherein each of the connector members **28,30** comprise a handle portion **32,34** (elements **32,34** are capable of being gripped by one's hand, thus defining a handle) for being gripped and rotated by the fingers of a hand; and wherein the socket portion of the female connector **30** is recessed into the bearing face of the female connector member so that the bearing faces of the male and female connector members are capable of meeting in substantially face-to-face contact when the connector members are tightened together (Figures 1 and 2).

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As to claim 3, Attorney argues that:

Velasquez et al. do not disclose a connector assembly wherein the raised protuberances have substantially rounded contours *so as to avoid damaging material of a tarp that is engaged thereby.*

Examiner disagrees. As to claim 3, Velasquez et al. disclose a connector assembly wherein the raised protuberances **54** have substantially rounded contours *capable of avoiding damaging material of a tarp that is engaged thereby* (Figure 1).

As to claims 5 and 18, Attorney argues that:

Velasquez et al. do not disclose a connector assembly wherein the base portions of the male and female connector members each comprise a raised, substantially flat-surfaced clamping ring formed annularly around the screw and socket portions, respectively, *for clamping a tarp about an opening formed by the screw portions so as to prevent tears from propagating therefrom.*

Examiner disagrees. As to claims 5 and 18, Velasquez et al. disclose a connector assembly wherein the base portions of the male **28** and female **30** connector members each comprise a raised, substantially flat-surfaced clamping ring formed annularly around the screw and socket portions, respectively, *capable of clamping a tarp about an opening formed by the screw portions so as to prevent tears from propagating therefrom* (Figure 1).

As to claims 10 and 14, Attorney argues that:

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Velasquez et al. do not disclose a connector assembly wherein each handle portion comprises a flange portion extending generally normal to the base portion *for being gripped between a thumb and forefinger.*

Examiner disagrees. As to claims 10 and 14, Velasquez et al. disclose a connector assembly wherein each handle portion **32** comprises a flange portion extending generally normal to the base portion *capable of* being gripped between a thumb and forefinger (Figure 1).

As to claim 13 and 21, Attorney argues that:

Velasquez et al. do not disclose a connector assembly wherein the opening for attachment of a load comprises *a hook portion mounted on the flange portion.*

Examiner disagrees. As to claims 13 and 21, Velasquez et al. disclose a connector assembly wherein the opening capable of attachment of a load **34** comprises a hook portion (curved cross-section portion defined by the bore in flange **32**) mounted on the flange portion (Figure 2). Furthermore, Examiner notes that no structural claim language has been used to define any particular structure of such hook portion.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF

06/29/06


JAMES M. HEWITT
PRIMARY EXAMINER